



NORWICH TOWNSHIP

RECORD OF PROCEEDINGS

Minutes of **NORWICH TOWNSHIP BOARD OF TRUSTEES** *Meeting*

4164 AVERY ROAD, HILLIARD, OHIO

Held

NOVEMBER 26, 2007

The meeting was called to order by Mr. Larry Earman, Chair.

Roll Call – **Mr. Larry Earman, Chair - Present**
Mr. Chuck Buck, Trustee – Present
Mr. Jim Rice, Trustee - Present

Also Present - **Dave Long, Fire Chief**
Bob Kaufman, Asst. Fire Chief
Steve Montgomery, Roads/Cemetery Dept.
Dick McDermitt, Construction Manager

WEAVER GIRLS ROBOTICS TEAM

Mr. Earman welcomed the Weaver Middle School Girls Robotics Team who gave a presentation on making future fire departments more energy efficient.

FIRE DEPT.

Chief Long reported that he had received the final plans from the City of Hilliard for the ramp/paving of the Station 81 trailer and that a cost review needed to be done prior to making a decision. Chief Long reported that another department wants to buy the excess engine and that they were trying to figure out their funding for the purchase. Lastly, Chief Long requested approval to purchase a new medic that would replace a 10 year old medic that has in excess of 130,000 miles.

JOINT SAFETY BUILDING

Mr. McDermitt reported that the concrete footings have been poured in ninety percent of the total complex, the masonry contractor has the block walls up around eighty percent of the perimeter and a minimum of eight courses completed in the basement. Perimeter tile in these areas also have been completed.

CEMETERY & ROADS DEPT.

Mr. Earman confirmed that the 2008 Road Survey would be conducted December 3, 2007 at 9:00 am. Mr. Montgomery confirmed that there are a couple of items that need to be addressed including Danford Square and Medford Square pavement and Schirtzinger Road edges. Mr. Montgomery feels that a more permanent fix needs to be considered for Schirtzinger Road. As it relates to purchasing a speed sign, Mr. Earman recommended that due to the loss of portability of the recommended options that the Township continue to utilize HPD's speed trailer when addressing complaints. Mr. Earman noted that maybe the Board could work with HPD to have the speed trailer used within the Township on a rotating basis

YARD WASTE PICKUP

Mr. Buck confirmed that Local Waste would continue to pick up yard waste through the end of November, except for a couple of streets along the river that Local Waste could not get their trucks down the road.

TOWNSHIP ADMINISTRATOR

Mr. Earman stated that the logic behind creating the Township Administrator position is to provide the assistance in the human resources area as requested by the fiscal office in addition to getting back involved with the numerous organizations that we have been associated with in the past, but, gotten



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away from. According to Mr. Earman the position would be responsible for maintaining and updating personnel files, addressing insurance issues of our 100 employees, the Fiscal Officer needs to be the chief financial officer of the Township rather than being the bookkeeper. The Fiscal Officer needs to focus more on the financial analysis and keep funds invested, based upon what the position pays and the time spent in the position, the time is just not there. Mr. Earman addressed some of his concerns with outsourcing the human resource responsibility.

RES. 07-78 Approval of Trustee Meeting Minutes for 10/29/07

Motion by Mr. Buck, seconded by Mr. Rice, to appropriate 2008 funds for the purchase of a replacement medic at a cost of \$191,225.49. Unanimously approved. Motion passed.

RES. 07-79 Approval to Establish Transient Vendors Resolution

Motion by Mr. Rice, seconded by Mr. Buck, to approve the Resolution Establishing the Regulation and Registration of Transient Vendors within the Unincorporated Area of Norwich Township, Franklin County, Ohio effective 1/1/2008. Unanimously approved. Motion passed.

See formal resolution attached.

RES. 07-80 Approval of Township Administrator

Motion by Mr. Buck, seconded by Mr. Earman, to create the position of Township Administrator per the job description approved by the Township's legal counsel and to begin the process of advertising for the position. Mr. Earman voted aye, Mr. Buck voted aye, Mr. Rice voted nay. Motion passed.

RES. 07-81 Approval to Amend Local 1723 Article XVII Health Care Coverage

Motion by Mr. Buck, seconded by Mr. Rice to amend Local 1723 Article XVII Health Care Coverage Section 2 to replace November 30, 2007 and 2008 deadline dates with December 31, 2007 and 2008 respectively. In addition, the effective dates of January 1, 2008 and 2009 are to be replaced with February 1, 2008 and 2009 respectively. Unanimously approved. Motion passed.

Meeting of November 26, 2007 adjourned at approximately 7:25 p.m.

Handwritten signature of Larry J. Earman in cursive script.

Mr. Larry Earman, Chairman

Handwritten signature of Jamie Miles in cursive script.

Jamie Miles, Fiscal Officer

**RESOLUTION ESTABLISHING THE
REGULATION AND REGISTRATION OF TRANSIENT VENDORS WITHIN
THE UNINCORPORATED AREA OF NORWICH TOWNSHIP, FRANKLIN
COUNTY, OHIO**

Board of Trustees of Norwich Township, Franklin County, Ohio met in regular session on November 26, 2007, with the following members present:

Chuck Buck
Larry Earman
Jim Rice

Jim Rice moved the adoption of the following resolution:

WHEREAS, the Ohio Revised Code grants township boards of trustees by resolution the power to enact registration regulations of Transient Vendors under authority of Section 505.94 of the Ohio Revised Code, and

WHEREAS, there are transient vendors within Norwich Township, and

WHEREAS, the Township seeks to reasonably regulate the TIME, PLACE, AND MANNER in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, and

WHEREAS, the Board has determined that the public safety and welfare of the Township would be served by the regulation of Transient Vendors;

THEREFORE, BE IT RESOLVED that the Norwich Township Board of Trustees hereby enacts the following Transient Vendor regulations, rules and procedures:

1. All "Transient Vendors" who do business within the unincorporated area of the Township of Norwich, Franklin County, Ohio shall register with the Township, at the City of Hilliard Police Department, 3800 Municipal Way, Hilliard, Ohio 43026. At the time of the adoption of this Resolution, the City of Hilliard and the Township are in the process of constructing a Joint Safety

Services Building to be located at 4164 Avery Road, Hilliard, Ohio 43026 and which will house the Hilliard Police Department. Upon the opening of the Joint Safety Services Building, all Transient Vendors shall register with the Hilliard Police Department at the Joint Safety Services Building.

2. As used in this Resolution, “Transient Vendor” means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, either sells or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods, or attempts to arrange an appointment for a future estimate or sales call. “Transient Vendor” does not include any person who represents any entity exempted from taxation under section 5709.04 of the Revised Code, that notifies the board of township trustees that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for future delivery of goods, or attempting to arrange an appointment for a future estimate or sales call, and does not include a licensed auction or an auctioneer company licensed under Chapter 4707 of the Revised Code.

3. As used in this Resolution, “goods” means goods, wares, services, merchandise, periodicals, and other articles or publications.

4. The City of Hilliard Police Department shall maintain a registration log where all Transient Vendors shall register prior to their coming into the Township to sell, offer for sale, or solicit orders for their goods.

5. Transient Vendors shall be permitted to sell, offer for sale, or solicit orders, door-to-door, or location-to-location according to the following:

- (a) Between the hours of 9:00 a.m. to 6:00 p.m. eastern standard time, from October 1st through March 31st.
- (b) Between the hours of 9:00 a.m. to 8:00 p.m. eastern standard time, from April 1st through September 30th.
- (c) After approval of a permit, all Transient Vendors shall be required to prominently display a badge (prescribed by the City of Hilliard Police Department) while engaging in any solicitation of goods indicating the authority to operate pursuant to this Resolution..

6. Each Transient Vendor shall make a payment of \$25.00 for their registration fee at the time they register at the City of Hilliard Police Department, plus the City of Hilliard Police Department's cost to conduct a background check through the Bureau of Criminal Investigation. Each individual person who sells, offers for sale, or solicits orders for goods shall be required to register according to this Resolution even though he or she may be one or more of several Transient Vendors who sell, offers for sale, or solicits order for goods for the same group, company, or other business entity. Each additional Transient Vendor of any firm, entity or business who has already registered, shall be required to pay an additional registration fee of \$5.00 and the City of Hilliard Police Department's cost to conduct a background check through the Bureau of Criminal Investigation. Any registration fee or costs to conduct background checks are non-refundable.

7. Each Transient Vendor shall be required to fill out a Transient Vendor application at the time they register. The application forms shall be filled out in person by each Transient Vendor. The nature of the forms and any other

application materials shall be prescribed by the City of Hilliard Police Department and shall include:

- (a) Name of Applicant;
- (b) Address of Applicant;
- (c) Height, weight, date of birth, social security number, photo identification and physical characteristics of the applicant;
- (d) Name and address of firm, business or agency by whom the applicant is employed, represents or licensed;
- (e) Submit such other information as may be required by the City of Hilliard Police Department to complete a background check;
- (f) Valid driver's license and proof of insurance at the amounts and level required by the state law (for those transient vendors operating on public streets);
- (g) Statement of character and honesty of the applicant;
- (h) The character and solvency of the firm or business for whom the applicant works;
- (i) Description (quality and cost) of goods selling;
- (j) Any other information requested by the City of Hilliard Police Department.

8. Upon submission of all the requested information and application materials to the City of Hilliard Police Department, a permit shall be either granted or denied based upon the objective criteria set forth in Section 7 of this

Resolution as well as any other relevant information obtained by the City of Hilliard Police Department. Any incomplete applications shall be denied.

9. Any permit issued by the City of Hilliard Police Department shall be valid for one year (1) year and shall commence on the date of approval of application.

10. All companies, corporations, businesses or business entities shall provide to their Transient Vendors, to be given to the Police Department, a written statement signed by a person with authority that the Transient Vendor is in fact authorized to sell, offer for sale, or solicit orders for its goods within the Township for it, or under its authority or agency.

11. Transient Vendor Working At A Fixed Location. All Transient Vendors who sell, offer for sale, or solicit orders for future delivery of goods where payment is required prior to delivery of the goods, and/or who establish a temporary place of business within the Township, shall in addition to the other requirements mandated herein:

- (a) Establish the temporary place of business in an area zoned for the same. No temporary place of business shall be established in areas zoned residential.
- (b) Not violate any Franklin County Zoning Regulations in regards to signs.
- (c) Not sell, offer for sale, or solicit orders for future delivery of goods from the temporary place of business between 8:00 p.m. and 9:00 a.m.

12. Any Transient Vendor permit granted under this Resolution, may be revoked by the Township for any of the following reasons upon presentation of charges by an affected person or persons:
- (a) Fraud, misrepresentation or false statements in the course of conducting business;
 - (b) Conviction of a crime or misdemeanor involving moral turpitude;
 - (c) Conducting business in an unlawful manner or in such a manner as to constitute a nuisance or a menace to the health, safety or general welfare of the public;
 - (d) Upon conviction of any state law;
 - (e) Failure to maintain a valid State of Ohio Driver's License (for those transient vendors operating on public streets);
 - (f) The receipt by the City of Hilliard Police Department or the Township if three (3) substantiated complaints within any fourteen (14) day period.

13. Upon any complaint showing a violation of any of Section 12 of this Resolution, any City of Hilliard Police Officer or authorized representative of the Township, shall immediately seize the Transient Vendors permit and/or badge. He shall immediately give notice to such Transient Vendor that a hearing on his permit revocation will be held before the Board of Township Trustees or their designee, not to exceed forty-eight (48) hours from the time of the seizure. From the time of seizure until the hearing before the Board of Trustees or their

designee, no Transient Vendor shall engage in any solicitation within the Township. The Board of Trustees decision shall be final and binding.

14. Any Transient Vendor Application or log that contains false or untrue information shall give the Township cause for that registration to be canceled, and it shall be grounds for prosecution under section 505.99 of the Ohio Revised Code. Any Transient Vendor who violates any of the terms, conditions, or requirements of this Resolution, shall give the Township grounds to cancel the registration and it shall be grounds for prosecution under Section 505.99 of the Ohio Revised Code.

15. Any Township Trustee or their designated representative, or the Chief of Police, or his designated officers in charge during his absence or being otherwise unavailable, shall have the authority to take actions to seize, terminate, cancel registrations, or initiate prosecution under this Resolution.

16. Should any one or more parts of this Resolution be adjudged unconstitutional or otherwise unenforceable by any Court or other body or person empowered to so rule, this shall not invalidate those other parts or sections herein.

17. The term "he" as used herein shall refer to both the female and male gender.

18. No Transient Vendor shall together with, or in combination with, twelve (12) or more persons who are Transient Vendors, operate within the Township at any one time, whereby they are all selling, offering for sale, or soliciting the same goods.

19. No Transient Vendor shall open a temporary place of business that is derogation or violation of any Franklin County Zoning Resolution.
20. All Transient Vendors shall appear in person at the City of Hilliard Police Department or otherwise notify the Police Department when activity under their registration is completed and terminated. The City of Hilliard Police Department employee who receives this information shall so note it in the “log” of Transient Vendors in the proper place.
20. The Transient Vendors log shall be a public record open for inspection.
21. This Resolution shall be effective thirty (30) days after its adoption. Those in violation of the regulations contained in this Resolution are subject to the penalties of Section 505.99 of the Ohio Revised Code. Each day of violation shall be a separate offense. The Chief of Police may establish any administrative mechanism to implement this Resolution, to include but not limited to, briefing Township employees, establish log and application files.
22. Transient Vendors shall not sell, offer for sale, or solicit orders for goods where a dwelling, property, building, or other structure has posted notice by means of a sign that its owners or occupants do not want salesman, or solicitations, or transient salesman or vendors, and such sign is reasonably calculated by its size and placement to notify the Transient Vendor of this fact. An example of this, but not limited to this, are signs that say **“NO SALESMAN”** or **“NO SOLICITATIONS”**.
23. All “Norwich Township” identification signs at the entrance to the Township that are maintained by the Township shall have placed upon them by

the Road Department a sign reasonably calculated to inform the passer-by in a vehicle or otherwise traveling:

ALL TRANSIENT VENDORS MUST REGISTER

AT THE POLICE DEPARTMENT

24. The Fiscal Officer shall notify the Franklin County Prosecutor of this Resolution and its conditions pursuant to Section 505.94 of the Ohio Revised Code.
25. Notification is required to be made by any entity exempted from taxation under section 5709.04 of the Revised Code, that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for future delivery of goods. Such notification shall be addressed to the Board of Trustees and the Chief of Police of the City of Hilliard. The Chief of Police shall make a log and record of all such notices of exempted businesses or organizations for the Trustees.
26. This Resolution does not apply to any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, or solicit orders for future delivery of goods.
27. All prior Resolutions of this Board concerning the licensing or other regulation of Transient Vendors are hereby repealed.
28. This Resolution does not apply to service organizations, religious organizations, youth groups, fraternal organizations, school sponsored groups or political organizations.

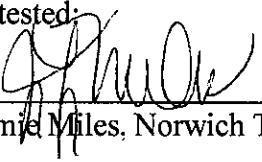
29. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

30. The effective date of this resolution will be January 1, 2008.

Chuck Buck seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

Larry Earman	Yea
Chuck Buck	Yea
Jim Rice	Yea

Attested:



Jamie Miles, Norwich Township Fiscal Officer

11/27/07
Date